

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

RICHARD A. MILLER TRUST DATED 5/3/2000;
and RICHARD A. MILLER, individually and in
his capacity as Trustee of the Richard A. Miller
Trust dated 5/3/2000; GAYLA E. MILLER,
individually and in her capacity as Trustee of the

Adv. Pro. No. 10-04664 (SMB)

Richard A. Miller Trust dated 5/3/2000,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Richard A. Miller Trust dated 5/3/2000, Richard A. Miller, individually and in his capacity as Trustee of the Richard A. Miller Trust dated 5/3/2000, and Gayla E. Miller, individually and in her capacity as Trustee of the Richard A. Miller Trust dated 5/3/2000 (the “Defendants”), by and through their counsel, Heather L. Marx and Thomas G. Wallrich of Cozen O’Connor (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against the Defendants.
2. On August 1, 2011, the Defendants served an answer on the Trustee.
3. On July 22, 2015, the Parties entered into a Settlement Agreement and Release.
4. Under the Settlement Agreement, the Defendants will make installment payments to the Trustee and will execute a Stipulation for Entry of Judgment, as security for the installment payments, which will be held in escrow by Trustee and not filed unless there is a default in the installment payments which remains uncured after ten (10) business days’ notice of default to the Defendants and their counsel.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without

prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding, subject only to the right of Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of Judgment pursuant to the Stipulation for Entry of Judgment.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: September 21, 2015

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Dean D. Hunt
Email: dhunt@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*

COZEN O'CONNOR

By: /s/ Heather L. Marx
33 South Sixth St., Suite 4640
Minneapolis, MN 55402
Telephone: (612) 260-9000
Facsimile: (612) 260-9080
Thomas G. Wallrich
Email: twallrich@cozen.com
Heather L. Marx
Email: hmarx@cozen.com

*Attorneys for Defendants Richard A. Miller
Trust dated 5/3/2000, Richard A. Miller,
individually and in his capacity as Trustee
of the Richard A. Miller Trust dated
5/3/2000, and Gayla E. Miller, individually
and in her capacity as Trustee of the
Richard A. Miller Trust dated 5/3/2000*

SO ORDERED

Dated: September 21st, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE